



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Ronald Clark, Ward 5
William "Bill" J. Martin, Ward 6
Justice Barber, Ward 7

Monday, April 29, 2013

6:00 PM

City Hall Council Chambers

Present: James A. Mills, Susan Grant, William "Bill" J. Martin, G. Marshall Dye, J. K. Lowman, Ronald Clark, and Justice Barber

Staff:

Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Chairman Mills called the April 29, 2013 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20130382

March 25, 2013 Board of Zoning Appeals Meeting Minutes

Review and Approval of the March 25, 2013 Board of Zoning Appeals Meeting Minutes
Mr. Lowman moved to accept the March 25, 2013 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Martin. Motion carried 7 – 0 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized. The motion carried by the following vote: 7 – 0 – 0.

VARIANCES:

20130360

V2013-18 Alexander Propp 192 Hedges Street

V2013-18 [VARIANCE] ALEXANDER PROPP requests a variance for property located in Land Lot 02880, District 17, Parcel 0590, 2nd Section, Marietta, Cobb County, Georgia and being known as 192 Hedges Street. Variance to allow unfinished side of a fence to face the exterior. Ward 3.

File #20130360 (V2013-18) was presented by Mr. Roth for property located in Land Lot 02880, District 17, Parcel 0590 and being known as 192 Hedges Street.

Public hearing was held.

The property owner, Alexander Propp, is requesting a variance to allow the unfinished side of a fence to face the exterior. Mr. Propp explained that no one told him the finished side had to be on the exterior. The neighbors are pleased with the improvement and have offered their support for the fence.

Board members discussed issues such as the owner of the chain link fence, obnoxious vegetation between chain link fence and privacy fence, and distance from property line with Mr. Propp.

It was discussed between Chairman Mills and Mr. Roth that a permit is not required for a fence.

Mr. Dye proposed to remove the chain link fence and privacy fence be shadow boxed; however, Mr. Lowman stated that it is unclear as to who owns the chain link fence.

No one spoke in opposition.

Public hearing closed.

Chairman Mills made a motion, seconded by Mr. Clark, to approve the variance with the following stipulations:

- 1. The privacy fence be shadow-boxed*
- 2. Completion of the project within six (6) months*

The rationale being that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Motion carried 7 – 0 – 0.

A motion was made by Board member James A. Mills, seconded by Board member Ronald Clark, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.

20130361

V2013-19 Douglas & Peggy White 814 Delta Circle

V2013-19 [VARIANCE] DOUGLAS & PEGGY WHITE request a variance for property located in Land Lot 10920, District 16, Parcel 0660, 2nd Section, Marietta, Cobb County, Georgia and being known as 814 Delta Circle. Variance to reduce the side setback for an accessory structure from 10 feet to approximately 2 feet. Ward 5.

File #20130361 (V2013-19) was presented by Mr. Roth for property located in Land Lot 10920, District 16, Parcel 0660 and being known as 814 Delta Circle.

Public hearing was held.

The property owners, Douglas and Peggy White, are requesting a variance to reduce the side setback for an accessory structure from 10 feet to approximately 2 feet.

Mr. White stated the he put up the carport 15 years ago because his wife is handicapped.

Members of the Board continued discussing concerns related to the canopy.

Public hearing closed.

Mr. Clark made a motion to deny this request, seconded by Mr. Lowman. Motion carried 6 – 1 – 0 with Ms. Grant opposed. Motion carried 6 – 1 – 0.

A motion was made by Board member Ronald Clark, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated . The motion carried by the following vote: 6 – 1 – 0.

Vote Against: 1 - Board member Grant

20130377**V2013-20 VC PROPERTIES I, LLC 31 Rock Street**

V2013-20 [VARIANCE] VC PROPERTIES I, LLC request a variance for property located in Land Lot 12150, District 16, Parcel 0540, 2nd Section, Marietta, Cobb County, Georgia and being known as 31 Rock Street. Variance to allow outdoor storage in front yard. Ward 5.

File #20130377 (V2013-20) was presented by Mr. Roth for property located in Land Lot 12150, District 16, Parcel 0540 and being known as 31 Rock Street.

Public hearing was held.

The owner of VC Properties I, LLC, Jayne Hawkins, is requesting a variance to allow outdoor storage in the front yard.

The fenced in area has been leased to IQ Motors on Roswell Street since 2003 for their overflow.

Mrs. Hawkins is asking for a variance for 2 years to finish the reorganization of her husband's small business.

Mrs. Hawkins is in agreement with several options that would work including a fence and trees. As explained by Mr. Roth, without a variance, the maximum height of the fence would be 4'.

According to Mrs. Hawkins, no additional pods or trucks will be added to existing equipment.

Public hearing was closed.

Mr. Clark made a motion, seconded by Mr. Lowman, to approve the variance request to allow outdoor storage in front yard, with the following stipulations:

1. *Addition of a 6' vinyl black LCX chain link fencing with 6' VCP windscreen or equivalent.*
2. *No additional containers/vehicles/equipment added to the property.*
3. *Rehang all loose windscreens on existing fencing.*
4. *That the variance be granted for 2 years.*

The rationale being that granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

Mrs. Barber asked to modify the rationale by stating that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Mr. Dye confirmed that the survey will identify as to where to install the fence as indicated by a nail and an iron pipe, with a sliding gate, and 30 days to install the fence.

Motion carried 7 – 0 – 0.

A motion was made by Board member Ronald Clark, seconded by Board member J. K. Lowman, that this matter be Approved as Stipulated . The motion carried by the following vote: 7 – 0 – 0.

OTHER BUSINESS:

20130414

Board of Zoning Appeals - Election of Chairman

Election of Chairman to serve from the period from May 2013 to April 2014.

Daniel White, City Attorney, introduced annual elections and asked for nominations to elect a Chairman to serve from May 2013 to April 2014.

Mr. Martin nominated Chairman Mills as Chairman.

Mr. Dye nominated Mr. Lowman as Chairman.

Mr. Lowman asked that his name be withdrawn for consideration for nomination.

Justice Barber made a motion, seconded by Mr. Lowman, to elect Chairman Mills as Chairman.

Motion carried 6 – 0 – 1.

A motion was made by Board member Justice Barber, seconded by Board member J. K. Lowman, that this matter be Approved and Finalized . The motion carried by the following vote: 6 – 0 – 1.

Abstain: 1 - Board member Mills

20130415**Board of Zoning Appeals - Election of Vice Chairman**

Election of Vice Chairman to serve from the period from May 2013 to April 2014.

Daniel White opened the floor for nominations for Vice Chairman.

Chairman Mills nominated Mr. Lowman as Vice Chairman.

There being no other nominations, the nominations were closed.

Chairman Mills made a motion, seconded by Mr. Martin, to elect Mr. Lowman as Vice Chairman. Motion carried 6 – 0 – 1.

A motion was made by Board member James A. Mills, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized . The motion carried by the following vote: 6 – 0 – 1.

Abstain: 1 - Board member Lowman

ADJOURNMENT:

The April 29, 2013 Board of Zoning Appeals Meeting adjourned at 6:47 p.m. by a motion from Mr. Lowman and Mr. Clark.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY